

PLANNING COMMISSION HEARING DECEMBER 20, 2016

REVISED STAFF REPORT

#16-08 –MINOR MODIFICATION OF MAJOR SUBDIVISION SIERRA COLLEGE ESTATES (APPLICATION #14-09)
APN: 030-100-017

RECOMMENDATION

The Planning Commission approve Resolution #16-06 re-adopting the previously approved Mitigated Negative Declaration and Addendum approving **Minor Modification #16-08** to allow the use of private wells rather than public water for a previously approved subdivision Sierra College Estates (Application #14-09), along with a one year extension of the expiration to January 27, 2018, subject to the recommended findings and conditions of approval.

REQUEST

The applicant requested a continuance at the July 26, 2016 hearing to work the Placer County Water Agency (PCWA) as to public water, and provide proof of adequate water as required by the Placer County Health Department, should wells be approved by the Planning Commission.

The proposed request is to allow private wells rather than public water as previously required by the Planning Commission on January 27, 2015. In addition, the applicant is requesting a one year extension of the expiration date of the subdivision approval from January 27, 2017 to January 27, 2018.

PROJECT DESCRIPTION

Location:

Northwest of the intersection of Sierra College Blvd. and Bankhead Road.

APN: 030-100-017

Size:

19.5 acres

General Plan, Zoning, and Existing Land Uses

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	RESIDENTIAL ESTATE	RE	SINGLE FAMILY RESIDENTIAL
NORTH	RESIDENTIAL ESTATE	RE	SINGLE FAMILY RESIDENTIAL
EAST	RESIDENTIAL ESTATE	RE.	SINGLE FAMILY RESIDENTIAL
SOUTH	RESIDENTIAL ESTATE	RE	SINGLE FAMILY RESIDENTIAL
WEST	RESIDENTIAL ESTATE	RE	SINGLE FAMILY RESIDENTIAL

BACKGROUND

The Sierra College Estates Subdivision was approved by the Town of Loomis subject to 49 conditions of approval with a Mitigated Negative Declaration (MND) as per the California Environmental Quality Act (CEQA) on January 27, 2015.

Properties whose lot line is within 300 feet of a public water source are required to tie into it. However the nearest water line to the project site is approximately 1100 feet to the north. Even though not required to tie into it, his original project design proposed using public water and consequently made a condition of approval:

44.____ The owner shall install water service per Placer County Water Agency requirements prior to occupancy.

Subsequently the applicant submitted a modification to remove that condition and allow the use of private wells instead of public water, due to the high cost of connections fees required by the Placer County Water Agency (PCWA), distance from the existing water mains, and conflict with an existing sewer line.

The revised condition of approval is to be:

38.____ The seven residential lots may be served by private well rather than public water subject to the revised conditions of approval.

The modification was heard by the Planning Commission on July 26, 2016. Concerns were brought up by the public, and the Planning Commission as to the viability of wells on the project site, and possible impacts to adjacent wells. The applicant requested an indefinite continuance so as to respond to these issues and concerns and explore further obtaining water from the Placer County Water Agency (PCWA).

During the last six months he has discussed options with PCWA as to project costs and funding options. Unfortunately PCWA is unable to reduce their costs, which are uneconomical for a subdivision of only seven lots. A reimbursement agreement has not proven viable, as possible beneficiaries have declined to participate.

ISSUES

Fire Protection

Water for hydrants, and home fire sprinklers would now need to be supplied on site rather than public water mains. The Loomis Fire Protection District provided the Preliminary Requirements should the subdivision use private, based on these comments, two new conditions of approval have been added to the previous conditions of approval.

39.____ The property owner\applicant shall provide fire protection water supply as per the requirements of the Loomis Fire District.

40.____ The final map shall note that each homeowner shall be required to have water storage facilities on site to service fire sprinklers, as may be required by the Loomis Fire District.

Utilities – Water Quality

With the proposed modification well permits will need to be obtained from the Placer County Division of Health who in their response to comments dated June 30, 2016 provided their requirements for approval of domestic wells. They requested the following be added to the previous conditions of approval.

41.____All proposed wells shall be drilled and approved by the Placer County Division of Environmental Health as per their Memo dated June 30, 2016

- a. Due to parcel size, setback requirements, and site constraint submit proof of adequate water supply as stated in Placer County Code Section 19.334 by drilling and submitting a yield reports for wells on Parcels 1, 2, 5, 6, and 7.
- b. Submit to Placer County Environmental Health Services for review and approval a Water Quality Analysis Report prepared by a State Certified laboratory and include a minimum Bacteriology, total coliform, fecal coliform, and chlorine residual, as well as Primary and Secondary Drinking Water Standards as defined in Title 22 of the California Code of Regulations for wells on Parcels 1, 2, 5, 6, and 7.

Wetlands

A possible issue of concern was the potential impact of wells on the project site's wetlands and hydrology. The concern was if the wells perforate the impermeable soil layer beneath a wetland, it could allow it to drain. The applicants engineer proposed measures to prevent the problem and have been added to the previous conditions of approval.

- 43. To avoid potential impacts to wetlands wells shall be located and constructed as follows:
 - a. Be drilled on established pads outside of the restricted area as shown on the revised Sierra College Estates Tentative Map.
 - b. If perched water is present during well boring, top soil shall be mixed with 20% bentonite in the immediate well vicinity and compacted to prevent water flow.
 - c. Wells shall be on the higher ground away from possible perched water tables.

Hazardous Materials

A Phase II Site Assessment found that pesticide soil contaminants were below state and federal threshold standards. The Placer County Division of Environmental Health reviewed the document and found it acceptable. Therefore former Condition # 43 is no longer relevant and has been removed from the recommended conditions of approval for this project.

43._____"The applicant will provide evidence that the property was not historically maintained as an orchard. If such evidence does not exist, the applicant shall conduct a Phase 2 site assessment in order to determine if there is any residual contamination from the use of pesticides."

EXTENSION OF SIERRA COLLEGE ESTATES TENTATIVE TRACT MAP

Sierra College Estate was approved on January 27, 2015 for a period of two years to expire on January 27, 2017 unless extended by the Planning Commission. Due to delays in completing necessary studies and tests the applicant requests the expiration date be extended another year to January 27, 2018. The Tentative Tract Map is still consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance, subject to the proposed conditions of approval as modified by the Planning Commission.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to CEQA Guidelines Section 15164 Addendum to an EIR or Negative Declaration, a previously adopted negative declaration may be used if only minor technical changes or additions are necessary, and there are no substantial changes to the project as per Section 15162 Subsequent EIRs and Negative Declarations. An addendum need not be circulated but must be considered by the decision-making body prior to making a decision on the project.

The Town of Loomis has prepared this addendum for **Minor Modification #16-08** (Attachment #4) to allow the use of private wells rather than public water for a previously approved seven lot subdivision subject to the findings and the revised conditions of approval, previously approved by the Planning Commission on January 27, 2015.

A Notice of Determination including this Addendum will be filed with the Placer County Clerk upon approval of the project.

RECOMMENDATION

The Planning Commission approve Resolution #16-06 re-adopting the previously approved Mitigated Negative Declaration and Addendum approving Minor Modification #16-08 to allow the use of private wells rather than public water for a previously approved subdivision Sierra College Estates (Application #14-09), along with a one year extension of the expiration to January 27, 2018, subject to the recommended findings and conditions of approval.

ATTACHMENTS

- Revised Resolution #16-06
 Exhibit A Findings
 Exhibit B Revised Conditions of Approval
- 2. Revised Addendum to IS\MND

Loomis News Notice Published: December 8, 2016.

LOOMIS PLANNING COMMISSION RESOLUTION NO. 16-06 DECEMBER 20, 2016

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING MINOR MODIFICATION (#16-08) SUBMITTED BY RON SMITH (APPLICANT) TO ALLOW TO ALLOW THE PRIVATE WELLS INSTEAD OF PUBLIC WATER FOR A PREVIOUSLY APPROVED SUBDIVISION, SIERRA COLLEGE ESTATES (APPLICATION 14-09), AND AN EXTENSION OF THE MAP FOR ONE YEAR FROM JANUARY 27, 2017 TO JANUARY 27, 2018, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL.

WHEREAS, Ron Smith, the applicant has requested a Minor Modification (#16-08) to allow the private wells instead of public water for the Sierra College Estates Subdivision (Application #14-09) previously approved by the Planning Commission on January 27, 2015 and an extension of the expiration for another year from January 27, 2017 to January 27, 2018; and,

WHEREAS, on July 26, 2016, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission continued the public hearing of the application to a date uncertain to allow the applicant to research and address concerns of the public and the Planning Commission; and

WHEREAS, on December 20, 2016 the Planning Commission conducted a duly notified public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff report relating to this application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission of the Town of Loomis hereby makes the findings attached herein as Exhibit A in connection with Minor Modification (#16-08).

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of December 20, 2016, did resolve as follows:

- 1. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
- 2. As per Section 15164 Addendum to an EIR or Negative Declaration of the California Environmental Quality Act (CEQA) there have been no substantial changes to the project by this modification to the previous Mitigated Negative Declaration for Sierra College Estates adopted by the Planning Commission on January 27, 2015, it is re-adopted with the Addendum and staff is directed to file a Notice of Determination with the County Clerk.
- 3. Minor Modification (#16-08) to allow private wells instead of public water for the Sierra College Estates Subdivision is hereby approved per the findings set forth in Exhibit A and the 44 conditions of approval set forth in Exhibit B.

ADOPTED this 20th day of December 2016, by the AYES: NOES: ABSENT: ABSTAINED:	following vote:
-	Michael Hogan, Chairman
Robert King, Town Planner	

another year from January 27, 2017 to January 27, 2018.

4. The expiration date of the Sierra College Estates Tentative Tract Map (#14-09) is extended

EXHIBIT A FINDINGS PROJECT #16-08 PLANNING COMMISSION, DECEMBER 20, 2016

California Environmental Quality Act (CEQA)

- 1. The initial study identified possible adverse environmental effects, but conditions of project approval have reduced them to a point where they are less than significant.
- 2. As per Section 15164 Addendum to an EIR or Negative Declaration of the California Environmental Quality Act (CEQA) there have been no substantial changes to the project by this modification to the previous Mitigated Negative Declaration for Sierra College Estates adopted by the Planning Commission on January 27, 2015, as re-adopted with the Addendum.

Subdivision Map Act

- The proposed modification of the subdivision is, together with the provisions for its design and improvement, consistent with the general plan and any applicable specific or community plan.
- 2. The effect of this decision on the housing needs of the region and balancing these needs against the public service needs of its residents and available fiscal and environmental resources has been considered.
- 3. The tentative map is consistent with the General Plan and that the site is physically suitable for the type of development.

Pursuant to Section 66474 of the Subdivision Map Act, the Planning Commission makes the following findings as to the proposed modification of the Sierra College Estates Subdivision:

- 1. The proposed map is consistent with the Town's General Plan and Zoning Ordinance.
- The design and improvement of the proposed division are consistent with the General Plan because adequate infrastructure and services will be available to serve the demand for services generated by the division, including water, sanitary sewer, and roadways.
- 3. The site is physically suitable for this type of development in that the site meets the size requirements for seven additional single-family residences, and there are no environmental constraints.
- 4. The site is physically suitable for the proposed density of development in that the addition of seven single-family residences is consistent with the allowed zoning density.

- The design of the division or the proposed improvements will not cause substantial environmental damage, or injure fish or wildlife, or their habitat, in that the division is of an existing residential parcel.
- 6. The design of the division or improvements will not cause serious public health problems since water, sewer, sheriff, fire, and solid waste services will be adequately provided to the project.
- 7. The design of the project or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed project.

EXHIBIT B CONDITIONS OF APPROVAL APPLICATION #16-08 PLANNING COMMISSION, December 20, 2016

66499.37 of the Subdivision Map Act.

Minor Modification #16-08 is approved to allow the use of private wells rather than public water for a previously approved seven lot subdivision Sierra College Estates (Application #14-09), and a one year extension of the Tentative Tract Map to January 27, 2018, subject to the findings and the 44 recommended conditions of approval being, APN 030-100-017, located at the northwest corner of Bankhead Road and Sierra College Boulevard.

(Note: New or Modified Conditions of Approval are shown in Bold Italics.)

GENERAL CONDITIONS

1.	The project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein, and the Town of Loomis Municipal Code. Approval of this project, subject to said plans, conditions, and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
2.	The owner shall submit the CC&R's for review and approval (in accordance with these conditions insuring that those parts of the CC&R's that involve these conditions cannot be amended without the consent of the Town) by the Town Engineer and Town Attorney prior to Final Map/Parcel Map approval.
3.	Development shall be substantially in accordance with the plans entitled "Tentative Parcel Map Sierra College Estates APN 030-100-017-000", as prepared by Rose's Engineering, consisting of one (1) sheet, dated "September 30, 2014" as revised "June 2016", except as may be modified by the conditions stated herein.
4.	When submitting for Plan Check, the owner must provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying how and where the revised plans address each of the conditions. Plan Check by the Planning Department and Town Engineer will not be initiated without compliance with this condition. All plans shall be consistent with that approved by the Planning Department. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction.
5. ,	The owner (sub-divider) shall defend, indemnify, and hold harmless the Town of Loomis and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees to attach, set aside, void, or annul, an

approval of the Planning Commission, or Town Council concerning the subdivision that is the subject of this application and which is brought within the time period specified in Section

6	The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans.
7	The owner shall dedicate a one-foot-wide no-access dedication along the property lines adjacent to Bankhead Road and Sierra College Boulevard on the final map.
IM	PROVEMENTS (ROADWAY, DRAINAGE, GRADING)
8	The owner shall record an irrevocable offer of dedication for 30' or ½ of the right-ofway for the Bankhead Road frontage for a total 60-foot right-of-way.
9	The applicant shall petition the Town Council to form a Maintenance District for ongoing maintenance of the street, drainage facilities, any common landscaping (if any), fire hydrant, emergency access easement, post & cable, wetlands, floodplain and open space areas. The parameters of the Maintenance District shall be approved by the Planning Director and Town Engineer prior to submittal to the Town Council. The Engineer's Report, Town Council hearing and property owner vote shall be prior to recording of the Final Map.
10.	The owner shall improve the emergency access easement with a 4" thick aggregate base, 20' in width prior to issuance of the first building permits.
11.	The owner shall construct a Loomis detail H-15 Roadway connection onto Bankhead Road.
12.	Security gates and/or fences at each end of the emergency vehicle access shall require detailed plans that shall be submitted to the Sheriff's Substation, Fire Department and Planning Department for approval prior to issuance of building permits.
13.	The owner shall obtain an encroachment permit prior to any work within public rights-of-way.
14.	Existing public facilities, and real and personal property, damaged during the course of construction shall be repaired by the owner at his sole expense, to the reasonable satisfaction of the Town Engineer.
15.	The plans for improvements required as a condition of approval of this project shall be prepared by a California Registered Civil Engineer and shall be approved by the Town Engineer prior to any construction.
16.	The owner shall submit certified as-built plans and computer generated design files on disk detailing the improvements prior to final acceptance of improvements.
17.	Cost of all inspections related to on-site and off-site improvements shall be borne by the owner and shall be paid prior to completion of the improvements.

18	8 The owner shall dedicate all necessary right-of-way or easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the Town on the final map.	
19	9 The owner shall be responsible for all actions of his contractors and subcontractors until the improvements have been accepted as complete by the Town.	
20	O The owner shall prepare and install erosion and sediment control along the delineated boundary of the riparian zone and all disturbed areas during all demolition/construction activities per State Water Resources Handbook.	
21	1 All grading shall conform to the Town Grading Ordinance, and/or as recommended by a soils report prepared by, with prior review and approval by the Town Engineer. A Grading Permit shall be obtained prior to building permit issuance.	
22	2 No on-street parking on Bankhead Road is permitted.	
23	Prior to recordation of the Parcel/Final Map, the owner shall submit documentation for review and approval by the Town Engineer, which indicates the elevation of the 100 year flood throughout the site. The flood plain shall be delineated on the Final Map. On each building permit and prior to final building approval, an engineer shall certify that the finished floor elevation is a minimum of 2' above the base flood elevation. The boundaries of the flood zone through the site shall be delineated with a post & cable per Loomis detail LSC-25.	
24	The project developer shall construct the project in accordance with the Placer County Storm Water Management Manual prepared by the Placer County Flood Control and Water Conservation District as recognized by the Town. The project shall be constructed in a manner so that post–development runoff flows do not exceed predevelopment flows through the use of a drainage plan that includes provisions for on–site detention of runoff flows and payment of the Town's drainage impact fee. The developer shall submit a drainage plan, subject to review and approval of the Town Engineer. The developer shall pay the Town's Drainage Fee and the Dry Creek Watershed Drainage Improvement Fee prior to building permit issuance.	
25	No construction, including but not limited to impenetrable barriers, structures, and/or fencing, shall occur within the area defined as "wetlands" or "restricted area" as delineated on the "Tentative Parcel Map Sierra College Estates APN 030-100-017-000", as prepared by Rose's Engineering, received "June, 2016".	
GI	ENERAL PLANNING	
26	5 The property owner shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest (e.g. by incorporating into the standard provisions of any sale, lease and/or rental agreements, etc.).	
27	The owner will be responsible for taking reasonable actions to abate nuisances	

28.	caused by this project in the project area which are under the owner's control. No request for a Parcel Map, pursuant to this map, shall be approved until al conditions are completed and accepted by the Town, acceptable to the Town Attorney, for those conditions not completed, as has been submitted.
29.	The project shall conform to requirements of the Placer County Air Pollution Control District (PCAPCD). Prior to commencement of grading, the applicant shall submit a dust control plan for approval by the Town Engineer and PCAPCD. The contractor shall apply water to control dust, as required by Rule 228 (Fugitive Dust), to prevent dust impacts offsite Operational water truck(s) shall be onsite at all times to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site. Earth moving construction equipment shall be cleaned each day.
30.	If project scheduling allows, the removal of trees shall be conducted outside of the Migratory Bird Treaty Act (MBTA) and peak bird nesting seasons (February 15 through September 15). If tree removal must be conducted during the nesting season, the applicant shall hire a qualified Biologist to conduct a survey for active bird nests within 3 days prior to commencement of any construction activities. Should an active nest be identified restrictions will be placed on construction activities in the vicinity of any active nest observed until the nest is no longer active, as determined by a qualified Biologist. These restrictions may include a 300- to 500-foot buffer zone designated around a nest to allow construction to proceed while minimizing disturbance to the active nest. Once the nest is no longer active, construction can proceed within the buffer zone. This condition of approval shall be placed on the Improvement Plans.
31.	The project proponent shall submit a complete Tree Permit application for review and approval by the Town of Loomis prior to the removal of any trees.
32.	If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be halted and the Town of Loomis Planning Department shall be notified. The archaeologist shall assess the situation, and consult with agencies and Native American Tribes as appropriate, as to the treatment of the discovery. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; and accessioning recovered archaeological materials as appropriate with affected tribal groups.
33.	The project developer shall construct the project in accordance with the Placer County Storm Water Management Manual prepared by the Placer County Flood Control and Water Conservation District as recognized by the Town. The project shall be constructed in a manner so that post—development runoff flows do not exceed predevelopment flows through the use of a drainage plan that includes provisions for onsite detention of runoff flows and payment of the Town's drainage impact fee. The developer shall submit a drainage plan, subject to review and approval of the Town Engineer. The developer shall pay the Town's Drainage Fee and the Dry Creek Watershed Drainage Improvement Fee prior to building permit issuance.

34.	No construction work shall begin prior to 7:00 a.m. nor occur after 7:00 p.m. Monday through Friday nor prior to 8:00 a.m. or after 5:00 p.m. on Saturday, with no work to occur on Sundays or holidays.
35.	The applicant/developer shall pay the Town's development fees consisting of the Community Facility Fee, Park & Recreation Fee, Road Circulation/Major Roads Fee, Low Income Density Bonus Fee, and Placer County Capital Facility Impact Fee. In addition the developer shall be required to pay fees to other service providers: Loomis Fire District Fee, Loomis Union School District Fee, Placer Union High School Fee, SPMUD connection fee, and PCWA connection fee prior to building permit issuance.
AG	ENCIES
36.	The owner shall install sewer service per South Placer Municipal Utility District requirements prior to occupancy.
37.	The owner shall provide will-serve letters and complete all requirements or conditions imposed by these agencies to the satisfaction of the Town, and the agencies prior to issuance of building permits.
38.	The seven residential lots may be served by private well rather than public water subject to the revised conditions of approval.
39.	The property owner\applicant shall provide fire protection water supply as per the requirements of the Loomis Fire District.
40.	The final map shall note that each homeowner shall be required to have water storage facilities on site to service fire sprinklers, as required by the Loomis Fire District.
41.	All proposed wells shall be drilled prior to final approval, and the following submitted for review and approval by the Placer County Division of Environmental Health as per their Memo dated June 30, 2016.

- a. Due to parcel size, setback requirements, and site constraint submit proof of adequate water supply as stated in Placer County Code Section 19.334 by drilling and submitting a yield reports for wells on Parcels 1, 2, 5, 6, and 7.
- b. Submit to Placer County Environmental Health Services for review and approval a Water Quality Analysis Report prepared by a State Certified laboratory and include a minimum Bacteriology, total coliform, fecal coliform, and chlorine residual, as well as Primary and Secondary Drinking Water Standards as defined in Title 22 of the California Code of Regulations for wells on Parcels 1, 2, 5, 6, 7.

•	The owner shall pay the development fees (e.g. road circulation fees, drainage fees, s, community facilities fee, master plan, Placer County, open space and parks, and fire
	effect at the time of building permit issuance.
43	To avoid potential impacts to wetlands wells shall be located and constructed as
follows:	
a.	Be drilled on established pads outside of the restricted area as shown on the revised Sierra College Estates Tentative Map.
b.	If perched water is present during well boring, top soil shall be mixed with 20% bentonite in the immediate well vicinity and compacted to prevent water flow.
c.	Wells shall be on the higher ground away from possible perched water tables.
CALIFORNIA	A ENVIRONMENTAL QUALITY ACT (CEQA)
44	_ Mitigation required in the approved Mitigated Negative Declaration (MND)\
Addendum approval	of this project, is incorporated herein by reference as required conditions of

ADDENDUM TO THE ADOPTED MITIGATED NEGATIVE DECLARATION

MAJOR SUBDIVISION SIERRA COLLEGE ESTATES (APPLICATION #14-09) APPLICATION #16-08 -MINOR MODIFICATION AND MAP EXTENSION OF MAJOR SUBDIVISION SIERRA COLLEGE ESTATES DECEMBER 20, 2016

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ANALYSIS

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